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Thursday, 7 December 2006, 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mr. Wenaweser (Liechtenstein), Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 71

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/61/63 and A/61/63/Add.1)

Report of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (A/61/65)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its seventh meeting (A/61/156)

Draft resolution (A/61/L.30)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/61/154)

Draft resolution (A/61/L.38)

The Acting President: I give the floor to the representative of Brazil to introduce draft resolution A/61/L.30.

Mr. Duarte (Brazil): At this session of the General Assembly, Brazil once again had the honour to coordinate, under sub-item (a) of agenda item 71, informal consultations on oceans and the law of the sea. I therefore have the pleasure to introduce draft resolution A/61/L.30, entitled "Oceans and the law of the sea", on behalf of its sponsors, Australia, Austria, Belgium, Canada, Cape Verde, Croatia, Cyprus, Finland, Greece, the Federated States of Micronesia, Iceland, Italy, Jamaica, Malta, Mexico, Monaco, Namibia, New Zealand, Norway, Portugal, the Russian Federation, Saint Lucia, Slovenia, Sri Lanka, Sweden, Tonga, Trinidad and Tobago, the United States of America and my own country, Brazil.

The draft resolution is the result of dedicated work and valuable contributions on the part of many delegations. I thank them for their constructive and creative participation in the consultations. I also thank Mr. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for the competent professional assistance they provided.

The debate we engage in today and the draft resolution before us reflect the international community's commitment to cooperation, integration of activities and regulatory measures in ocean affairs, as prescribed by the United Nations Convention on the

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Law of the Sea. As emphasized in the draft, that landmark Convention sets out the legal framework within which all activities in the oceans and seas must be carried out.

The draft deals with a wide array of oceans-related issues, such as the sustainable development of the oceans and seas; capacity-building and the transfer of marine technology for developing countries; the effective functioning of the International Seabed Authority and the International Tribunal for the Law of the Sea; the work of the Commission on the Limits of the Continental Shelf; marine scientific research; and the protection of the marine environment, among several other issues.

I would highlight the following decisions, as reflected in this year's draft: the definition of the topics for both the 2007 and the 2008 meetings of the informal consultative process, respectively, "Marine genetic resources" and "Maritime security and safety"; the reconvening, in 2008, of the Ad Hoc Open-ended Informal Working Group on marine biological diversity beyond areas of national jurisdiction, with specific issues for consideration; the completion, within two years, of the "assessment of assessments" as a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects; and the request addressed to the Secretary-General to prepare a study on the available assistance to and measures that may be taken by developing States to realize the benefits of sustainable and effective development of marine resources and uses of the oceans within the limits of national jurisdiction.

Unfortunately, no generally acceptable language was reached on all proposed paragraphs by the end of the allotted time available for the consultations. Issues on which an agreement has so far been elusive will most certainly continue to draw the attention of delegations. I hope that, in the future, a solution can be found in a manner acceptable to all.

I also hope that delegations will, in the future, seriously consider one particular aspect of the draft resolution that in my view is of concern to all — its growing extension. Despite efforts to the contrary, this year's draft has 20 additional paragraphs compared to last year's resolution 60/30, which in turn had 11 paragraphs more than its predecessor, resolution 59/24. While, on the one hand, that trend reflects the overarching nature of the resolution and the variety and complexity of the issues it covers, on the other it may take up valuable discussion time and overburden the text with issues not essential to the resolution's central policy-making role.

With those final observations regarding the informal consultations on the draft, I again extend heartfelt thanks to all those that took part in those consultations and that contributed to their successful outcome.

I will now make some remarks in my national capacity.

Brazil has always been steadfastly committed to the United Nations Convention on the Law of the Sea and to the full implementation of its provisions. Endowed with a coastline over 7,500 kilometres long and a continental shelf beyond 200 nautical miles covering a wide area, Brazil was among the first countries to make a submission under article 76 regarding the establishment of the outer limits of its continental shelf beyond 200 nautical miles. That process has now entered its final stages and recommendations on the Brazilian submission will soon be made and brought to the attention of the Commission on the Limits of the Continental Shelf.

In that regard, Brazil emphasizes the need for active interaction between submitting States and the Commission, as recognized in paragraph 47 of the draft resolution, and welcomes the amendments to rule 52 and annex III of the rules of procedure of the Commission. By giving an opportunity for coastal States to share their views directly with other members of the Commission, those measures will allow for more transparency, as well as strengthen the process of examination of submissions.

As to the anticipated increase in the workload of the Commission in the coming years owing to the current and projected number of new submissions, Brazil is convinced of the need to ensure that the Commission can perform its functions effectively and maintain its high level of quality and expertise. In that respect, we note that during the forthcoming meeting of States parties to the Convention in 2007, elections will be held for the Commission on 14 June and five working days will be dedicated to the discussion of substantive issues.

The open-ended informal consultative process on oceans and the law of the sea is intended to facilitate debates in the General Assembly. It allows for a better understanding of broad, complex and multifaceted issues and helps identify areas in which coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

Regarding the 2007 topic of the process — "Marine genetic resources" — it is generally acknowledged that there is a lack of scientific knowledge on that complex issue. Debates in the next informal consultative process may therefore help in better understanding questions such as options for developing legal mechanisms for access and benefit-sharing; possible ways to increase international cooperation for enhancing capacity-building in developing countries, including the transfer of technology; possible intellectual property rights regimes; and socio-economic implications of the use of marine genetic resources, products and derivates and their impacts on global social-economic development.

"Genetic resources beyond areas of national jurisdiction" is also one of the specific points identified in paragraph 91 of the draft resolution that are to be considered at the next session of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

The decision to hold the Ad Hoc Working Group's next meeting in 2008, with full conference services, coupled with having the previous year's topic of the informal consultative process defined as "Marine genetic resources", will allow for better preparation and hopefully for thorough discussions. That will be the second meeting of the Working Group, and no doubt another timely opportunity for all countries to fully engage in focused discussions on marine biodiversity, on the basis of the points identified in paragraph 91.

There is a clear need to better understand and improve the protection and preservation of marine biodiversity beyond national jurisdictions. In that respect, according to the Convention, activities in the Area are to be carried out for the benefit of mankind as a whole, taking into particular consideration the interests and needs of developing countries. Biological resources in the Area, including genetic resources, cannot be depleted or inappropriately exploited, and must be used for the benefit of present generations and also preserved for future generations.

Regarding the state of the oceans and how to address such questions as the degradation of the marine environment and the conservation and sustainable use of marine biodiversity, there is a need for a scientific assessment as a basis for rational decision-making and ocean management. It is therefore important to complete the "assessment of assessments" within two years, as called for in paragraph 115 of the draft resolution, with a view to the establishment of the regular process.

Turning now to sustainable fisheries, we recognize the effort made to arrive at consensual language for this year's draft resolution. In that respect, I wish to express Brazil's appreciation to Ms. Holly Koehler of the United States of America for her role as coordinator and for her attempts to accommodate so many different views regarding the actions to be taken against destructive fishing practices on vulnerable marine ecosystems.

Many improvements and much progress in the conservation and management of living marine resources were made, but much remains to be done. Attaining the goal of sustainable fisheries relies on the establishment of appropriate conservation and management measures. The challenge here is how to implement those measures and how to encourage States to comply with them in order to stop the depletion of fish stocks and the destruction of marine biodiversity.

There are several obstacles that undermine that goal. One of them is certainly the issue of excess fishing capacity. That occurs not only due to illegal, unregulated and unreported fisheries, but also as a consequence of some over-dimensioned fishery fleets. The current status of fishing quotas should not jeopardize the efforts of developing States to engage in sustainable fishery activities, including through renovating their fishery fleets. In our view, States must engage in fighting illegal, unregulated and unreported fishing activities and comply with measures adopted by regional fisheries management organizations to regulate bottom fisheries as well as to definitively ban destructive fishing practices.

This year's draft resolution on fisheries does not contemplate an interim prohibition of bottom-trawling fisheries. It has placed upon States and regional

fisheries management organizations all responsibilities to regulate such activities and to adopt and implement measures to protect vulnerable marine ecosystems, in accordance with the precautionary approach and ecosystem approaches. It is our hope that such measures can be adopted in time. Marine ecosystems are being destroyed and some species have already been over-exploited or depleted.

If sustainable fisheries are to be achieved, a number of measures are needed, among which are increasing the number of signatures and ratifications to the 1995 Agreement; strongly combating illegal, unregulated and unreported fishing; applying more effective measures to trace fish and fishery products; participating in the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries Related Activities; urgently reducing the capacity of the world's fishing fleets; eliminating destructive fishing practices; increasing cooperation on a subregional, regional and global basis; increasing capacity-building in developing countries; and effectively transferring fishing technologies. Cooperation is a key word here. It is mentioned many times in this year's draft, as well as in previous fisheries resolutions. Now more than ever is the time to put it into action.

Twenty-four years after the adoption of the United Nations Convention on the Law of the Sea and 12 years after its entry into force, the development of the law of the sea is already contributing and will continue to contribute to strengthening peace, security, cooperation and friendly relations among all nations. Important challenges nevertheless remain and must be confronted in order for the Convention to fully realize its equally fundamental goal of promoting the economic and social advancement of all peoples of the world.

The Acting President: I now call on the representative of the United States of America to introduce draft resolution A/61/L.38.

Mr. Floyd (United States of America): My delegation has the honour to be a sponsor of draft resolution A/61/L.30, entitled "Oceans and the law of the sea". We also have the honour to introduce, on behalf of the sponsors, draft resolution A/61/L.38, on sustainable fisheries.

This year's draft resolution on sustainable fisheries comes at a time of heightened concern about the state of key fish stocks in the world's oceans and the effect of certain fishing practices on the marine ecosystem. We are pleased that the draft resolution calls for concrete steps to curtail destructive fishing practices, to control illegal, unregulated and unreported fishing, to reduce fishing capacity and to implement the fish stocks Agreement, among other things.

This year, much attention has focused on the need for stricter regulation of bottom-trawling in areas outside of national jurisdiction. The United States, along with many other countries, has sought a stronger result to address the harm that bottom-trawling can cause to vulnerable areas. Nonetheless, we view the provisions contained in the draft resolution as a welcome and positive step forward. We will continue to work to advance that issue through the relevant regional fisheries management organizations and arrangements, and through negotiations to establish new such organizations where they do not currently exist. The draft resolution also endorses the work of the United Nations Fish Stocks Agreement Review Conference that took place in May 2006. The United States reaffirms its view of the significance of the agreement and the groundbreaking recommendations of the Review Conference. We urge all States that have not yet become party to the Agreement to do so. We also believe that the Agreement must continue to be the foundation for negotiating new regional agreements, such as the one currently underway in the South Pacific, and that its basic principles should also be applied to discrete high seas stocks by all flag States.

Reducing the capacity of the world's fishing fleets continues to be a high priority for the United States. We will push for full implementation of the language in this year's draft resolution "to urgently reduc[e] the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks" (*A/61/L.38, para. 57*). Regarding illegal, unreported and unregulated fishing, the draft resolution recognizes efforts over the past year to address that problem, but further progress continues to be necessary in that area. The upcoming meeting in Kobe, Japan, represents an opportunity to strengthen the way that the five RFMOs managing highly migratory fish stocks address illegal, unreported and unregulated fishing, the management of fishing capacity and other matters. We also want to see port States take stronger measures to prevent the landing and trans-shipment in their ports of

fish caught in contravention of existing regulatory regimes.

Much work remains if we are to ensure the sustainability of global fish stocks. RFMOs remain the best available mechanism for regulating international fisheries. Nonetheless, there is much room for improvement in the way that we work to advance our common goals. To that end, we must embark on a systematic review of the performance of the RFMOs. One way forward would be for the meeting in Kobe to agree to review the performance of the five tuna RFMOs, based on common criteria and through a common method.

I would like to thank all delegations for their hard work in the development of the draft resolution. The United States was once again proud to provide the coordinator for the informal consultations. We would like to commend the extraordinary efforts of Ms. Holly Koehler, who led the negotiations to their successful conclusion.

Turning to oceans and the law of the sea, we believe the decisions and statements embodied in this year's draft resolution (A/61/L.30) provide a constructive framework for progress in the coming years on a wide spectrum of marine-related issues. In a salutary break with tradition, negotiators this year agreed on the focus topics for the next two meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Next June we will focus on marine genetic resources in areas both inside and outside of national jurisdiction. We are grateful to our Brazilian colleagues for proposing the topic, and for their flexibility in broadening the topic to include resources under the jurisdiction of the coastal States.

We are also grateful to our Australian colleagues for proposing the topic chosen for the 2008 Consultative Process meeting: maritime security and safety. This timely and important topic will remind the international community that compliance with and implementation of provisions of the Law of the Sea Convention are critical to the security of all nations and to the safety and efficiency of international commerce.

Because we value meetings of the Consultative Process as expanding the international community's knowledge and awareness of emerging issues, we were particularly concerned about how the lengthy agreed elements of the last meeting, on ecosystem approaches and oceans, would be incorporated into the draft resolution. We thank our Canadian colleagues for crafting a compromise between incorporating the entire text and referring to it only briefly. We will need to keep this dilemma in mind at the next Consultative Process meeting, and perhaps trim the agreed elements to a more manageable size.

We look forward to the next meeting of the working group on marine biological diversity beyond areas of national jurisdiction in 2008. Reconvening the meeting with full conference services will allow experts from all nations to participate in the discussion of how better to conserve and sustainably use those resources.

We also appreciate the leadership of the Chinese delegation in developing the section of the draft resolution on the Commission on the Limits of the Continental Shelf. We all recognize the importance of the Commission's work and its need for additional support.

The United States places great importance on compliance with operative paragraph 65 of draft resolution A/61/L.30, which calls upon States "to ensure freedom of navigation and the rights of transit passage and innocent passage in accordance with international law, in particular the [Law of the Sea] Convention".

We note that the International Maritime Organization has not authorized compulsory pilotage or any enforcement measures for failure to take a pilot through any strait used for international navigation. That said, the United States strongly encourages all ships to take a pilot when transiting straits used for international navigation that are particularly difficult to navigate, in circumstances that do not entail denying, hampering or impairing the right of transit passage as specified in the Convention. Acceptance of a pilot in these circumstances will also assist in protecting sensitive ecosystems, a goal that all countries share with States bordering straits used for international navigation.

We also thank Minister Plenipotentiary Carlos Duarte of Brazil for his skilful and patient coordination of the oceans draft resolution. As always, we appreciate the expertise and support that Vladimir Golitsyn and the staff of the Division for Ocean Affairs

and the Law of the Sea provide for both draft resolutions.

Mr. Wolfe (Jamaica): I have the honour to speak on behalf of the States members of the Caribbean Community (CARICOM). I add my voice to those speakers who have welcomed the comprehensive report of the Secretary-General (A/61/63 and Add.1), which puts into perspective developments relating to the United Nations Convention on the Law of the Sea (UNCLOS), and the work of the United Nations, its specialized agencies and other organizations relating to ocean affairs and the law of the sea.

CARICOM notes with satisfaction the steady increase over the years in the number of parties to the Convention and its implementing agreements, as the Convention moves towards universal acceptance.

In tandem with that growth in membership, we observe the positive developments relating to State practice on the establishment of baselines, the delimitation of maritime boundaries, as well as submissions on the delineation of the outer limits of the continental shelf, an activity which has gathered momentum in recent months. That further demonstrates the efficacy of the Convention in providing the appropriate legal framework and as a tool through which States parties can address their maritime differences and concerns. The Convention also gives impetus for greater cooperation and understanding between States in promoting their maritime interests, and in that regard the Secretary-General, in his report, reminds States of their corresponding obligation to inform the Secretariat of developments and agreements concluded.

The States members of CARICOM continue to support the progressive development and implementation of the Convention and the institutions established by it.

During the period under review, the International Seabed Authority held its eleventh session in Kingston, Jamaica. We applaud the work of the Authority and its role with respect to the development of regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, and though it is yet some way before commercial mining can be contemplated, the approach and activities of States and the Authority in the development of those regulations are certainly encouraging.

We recognize the Authority as the only legitimate institution entrusted with the responsibility to regulate activities in the Area on behalf of all mankind, as provided for under the Convention. In that regard, the work of the Authority holds special significance for CARICOM, not only because the region is host to its headquarters, but also because of the importance of maritime activities to our countries and our firm belief in the fundamental principle of access to and benefit-sharing of the resources of the Area within the legal framework established by the Convention, and which, it could be argued, now forms part of customary international law.

Of significance, and indeed a part of the success of the Authority to date, is the application for the approval of a plan of work by the Authority for exploration for polymetallic nodules in the Area by the German Federal Institute for Geosciences and Natural Resources. That represents the first such application since the establishment of the Authority and certainly since the conclusion of the United Nations Convention on the Law of the Sea nearly a quarter of a century ago. CARICOM therefore looks forward to continuing to work with the international community to build on those achievements.

As the Authority continues to broaden the scope of its work, CARICOM endorses the efforts aimed at promoting international collaboration in marine scientific research, especially as it relates to the participation of scientists from developing countries. The workshops held in that regard will facilitate the greater exposure of scientists from developing countries to a body of knowledge, the benefits of which would have a multiplier effect in terms of further regional and interregional cooperation.

I could not complete this section of my statement relating to the International Seabed Authority without, as representative of the host country, encouraging full participation in and attendance at the annual meetings of States parties in Jamaica.

The International Tribunal for the Law of the Sea, one of the institutions created by UNCLOS for the peaceful settlement of disputes, commemorates its tenth anniversary this year. We reiterate the vital importance of the work being undertaken by the Tribunal and its accomplishments over the years in terms of its efficient delivery of judgement on cases submitted to it. We encourage States parties to continue

to seek recourse to the Tribunal on any dispute concerning the interpretation or application of the provisions of the Convention.

We note the work of the Tribunal's committees, which conduct ongoing reviews, keeping the Tribunal abreast of new developments. The establishment of a Committee of Public Relations to facilitate the work of the Tribunal in disseminating information and maintaining relations with other international entities and processes is a progressive initiative, and we therefore call on Member States to support that effort of the Tribunal as it continues to promote its work.

CARICOM would like to make specific reference to another initiative of the Tribunal — its training and outreach programme in conducting regional workshops. CARICOM expects to benefit from that initiative, as the next workshop is scheduled to be held in Jamaica in April 2007. In noting the presence of the President of the Tribunal in the Hall today, I would like to congratulate him on his initiative in that respect and also for the kind invitation he extended to me, in my capacity as Chairman of the sixteenth session of States parties, to participate in the tenth anniversary celebrations of the Tribunal in Hamburg.

We also draw attention and express special appreciation to the Korea International Cooperation Agency, which, up to the end of 2005, assisted some 32 interns from developing countries in covering the costs incurred for participation in the internship programme of the Tribunal.

The other institution created by UNCLOS, the Commission on the Limits of the Continental Shelf, has been engaged in very important work relating to States parties' submissions on the delineation of the continental shelf beyond 200 nautical miles, in accordance with the provisions of the Convention.

In that regard, CARICOM wishes to seize this opportunity to call on States and other entities with the capacity to do so to provide scientific and technical assistance to developing countries as they strive to prepare their submissions to the Commission in order to meet the 2009 deadline for the receipt of such submissions.

CARICOM is pleased with the momentum generated by the increasing number of submissions, but at the same time we note with concern the difficulties being faced by the Commission with respect to the workload of its members and funding for attendance at meetings of the subcommissions.

The Chairman of the Commission has reported to States parties that, under current arrangements, the Commission may not be in a position to perform its functions in an efficient and timely manner, and we would urge all States parties to engage in constructive consultations towards addressing the problems.

We also recognize the important contribution being made by the Nippon Foundation Fellowship Programme with the delivery of training courses for technical and administrative staff of developing coastal States regarding the delineation of the outer limits of the continental shelf beyond 200 nautical miles and the preparation of submissions to the Commission on the Limits of the Continental Shelf.

CARICOM member States, as States parties to the Convention, continue to participate actively in the meetings of States parties to UNCLOS. We consider the discussions on issues relating to developments in the law of the sea pursued in that forum important to fostering collaboration and strengthening the implementation of all aspects of the Convention.

In his report, the Secretary-General reminds us of the global impact of the maritime trade on the world economy and its contribution as a source of income, particularly to the economies of developing countries. Shipping plays an integral role in the economies of CARICOM States to the extent that well over 80 per cent of the region's foreign trade is seaborne. Cruise ship arrivals and other marine-related tourism activities continue to be one of the major sources of foreign exchange earnings for the region.

In recognition of the critical importance of the marine and coastal environment to the region, and the need for adequate protection, conservation and the sustainable use of the resources of our oceans and seas, CARICOM States have sought the cooperation of the international community in recognizing the Caribbean Sea as a special area within the context of sustainable development. We urge all delegations to give their support to that initiative, which is within the legal framework of UNCLOS.

Some countries in the region have also embarked upon national programmes of action for the protection of the marine environment from land-based sources of pollution and activities. Those policies are intended to

focus principally on the three main sources of land-based pollution of the region's marine environment: sewage treatment and disposal, agricultural practices, and the collection and disposal of solid waste. In addition, the private sector and civil society are set to partner with Governments in the implementation of a range of activities under the various national programmes. The region is sourcing funding from various entities including government subventions, loans and grants from external partners, as well as the United Nations Environment Programme.

The region should further benefit from the proposed establishment of a Caribbean Revolving Fund for Waste Water Management that would provide additional opportunities for States in the region to access funding to address the issue of waste water management. Pursuant to the recently concluded second intergovernmental review meeting of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, held in Beijing in October, we intend to vigorously pursue the recommendations and action plan which came out of that meeting. These activities are in keeping with the growing potential of the region to become a major shipping centre.

Some of the countries in the CARICOM region continue to offer international ship registration, and our goal is always to provide the highest standards of safety and pollution prevention as regulated by the International Maritime Organization (IMO). In that connection, CARICOM welcomes the IMO Code for the implementation of its mandatory instruments, which sets the standards for voluntary compliance by member States.

The transport of radioactive materials through the Caribbean Sea remains of paramount concern to the region as it seeks to avoid the ever-increasing possibility of damage and pollution to the marine environment, its ecosystem and the subsequent loss of livelihood from the surrounding waters upon which so many of our citizens depend. We continue to urge those States concerned to examine alternative means of disposing of radioactive materials and other toxic waste. While we acknowledge the international right to freedom of navigation, the cessation of the transport of radioactive materials through our region is imperative.

For that reason, CARICOM is very appreciative that the draft General Assembly resolution on oceans and the law of the sea (A/61/L.30), which is before us today, highlights that particular concern. Our concerns regarding the potential for damage in the event of an accident or incident during transportation of radioactive materials by sea are raised because of the several efforts by the region to safeguard the marine environment.

We draw attention to one such effort relating to the work of the Caribbean Regional Fisheries Mechanism (CRFM), which includes among its objectives the efficient management and sustainable development of marine and other aquatic resources and the promotion and establishment of cooperative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources.

Committed to resource sustainability as a means of enhancing employment opportunities and food security, nationally and regionally, the CRFM secretariat is currently engaged in workshops whose aim is to conclude a regional agreement on illegal, unreported and unregulated fishing, and monitoring, control and surveillance by Member States, as well as to set up a training of trainers workshop for fisheries extension officers to enhance their skills to provide better information and advisory and training services to primary and national fisherfolk organizations.

CARICOM has made significant strides regarding the adoption of International Labour Organization standards relating to the working conditions of seafarers. The CARICOM Memorandum of Understanding on Port State Control provides CARICOM States with the right to conduct inspections on foreign ships calling at ports in the region to ensure that foreign ships comply with internationally accepted norms applicable to the onboard living conditions of seafarers, and that their welfare, health and safety is adequately looked after in accordance with international legal norms.

We observe the ongoing activities between States bordering international straits, user States and key stakeholders in the shipping industry aimed at increasing cooperation on matters relating to navigational safety and the prevention, reduction and control of pollution from ships, including environmental protection, and addressing threats to maritime security. CARICOM urges all concerned to

redouble their efforts at finding workable compromise solutions within present international legal instruments.

CARICOM States continue to express concern at the increasing levels of violence associated with smuggling, human trafficking, piracy and acts against shipping, and their linkages with transnational organized crime. We therefore encourage the development and strengthening of relevant international instruments to best stem that deplorable trend.

CARICOM endorses the ecosystem approach which builds on the concept of integrated management, creating a wider basis for sustainable development. We continue to take steps aimed at the holistic protection of the environment, placing special emphasis on the interconnectivity of living marine resources, the adoption of special measures to protect rare or fragile ecosystems and habitats of depleted, threatened or endangered species and other forms of marine life. CARICOM thus welcomes the establishment of the Ad Hoc Steering Group and the group of experts for the global reporting and assessment of the state of the marine environment, including socio-economic aspects.

Several States in the region have adopted oceans policies while others are in the process of creating the legislative framework aimed at an integrated oceans and coastal zone management system. Harmonizing and coordinating the work of various agencies with different mandates has proven challenging but not insurmountable.

The implementation of the ecosystem approach will require continued financial support and technical assistance from our neighbours and other partners if the acknowledged benefits are to be realized. The Secretary-General's report quite rightly acknowledges the need for ongoing international cooperation and support to assist in all aspects of capacity-building, including raising the level of domestic awareness of the overall potential of marine resources and the training of scientists, resource managers and other human resource personnel at the local level.

CARICOM encourages all States that are in a position to do so to contribute to the respective trust funds established to assist States in the settlement of disputes by the Tribunal, as well as in the capacity-building of developing countries through the widest possible participation of experts and officials from such countries in the multidimensional areas of the law of the sea. We appreciate the contributions made by various countries to the trust funds.

Mrs. Mladineo (Croatia), Vice-President, took the Chair.

CARICOM adheres to the principle that the United Nations Convention on the Law of the Sea provides the primary legal framework for the regulation and control of all activities in the oceans and seas. We view the Informal Consultative Process as providing an enabling environment for the discussion of topics of benefit to all humanity. The issues of marine biodiversity and genetic resources are of tremendous importance to our region. These are resources of the future which could impact very positively on our long-term development as small island States.

Finally, CARICOM is committed to working with other members of the international community for the full implementation of the provisions of the United Nations Convention on the Law of the Sea.

Mr. Hakapää (Finland): I have the honour to speak on behalf of the European Union and the European Community as a party to the United Nations Convention on the Law of the Sea. The acceding countries Bulgaria and Romania, the candidate countries Croatia and the former Yugoslav Republic of Macedonia, and the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Moldova and Serbia align themselves with this declaration.

The plight of the oceans is well known and not contested. Destruction of ecosystems, threats to fish and loss of marine biodiversity are all widely recorded by scientific fact and data. The concerns over the future of the oceans were shared by all participants in the consultations producing this year's draft omnibus resolution on the oceans and the law of the sea, ably coordinated by Mr. Carlos Duarte of Brazil, to whom we are grateful for his enduring efforts to reach consensus.

The international community has not remained indifferent to the threats to the ocean environment. Past decades bear witness to numerous measures — national, regional and global — taken to encounter the challenge. Since its adoption, the United Nations Convention on the Law of the Sea has provided the

basic legal framework for such efforts, as well as for any activities in the oceans.

Within that framework, however, more concerted action is needed to preserve the oceans for future generations. In taking up that mission, one should look at the oceans and seas no longer on a purely sectoral basis, but as a whole, taking an integrated approach to the many threats to the marine environment. As stated in the preamble of the draft omnibus resolution, we have to recognize that "the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach" (*A/61/L.30, sixth preambular paragraph*).

The need for such an integrated approach was underlined last June by the seventh meeting of the United Nations open-ended informal consultative process on oceans and the law of the sea, which focused on ecosystem approaches and oceans. The meeting highlighted efforts undertaken to enable the integrated management of human activities based on the best available science and the precautionary principle in order to achieve the sustainable use of goods and services and the maintenance of ecosystem integrity. The European Union endorses the invitation of the draft omnibus resolution to States to consider the consensual elements relating to ecosystem approaches and oceans agreed by the consultative process and set out in the report of its meeting.

Concrete, comprehensive and timely action is called for to achieve the results envisioned. Within the European Union, a communication on a possible EU maritime policy was published by the European Commission last summer. The communication outlines ideas forward to address maritime affairs in a comprehensive and holistic way. Furthermore, a consultation process has been launched and is open to all stakeholders.

The European Union has, in various forums, expressed its serious concern for the protection and preservation of marine biodiversity, in particular in areas beyond national jurisdiction. The alarming loss of marine biodiversity calls for effective action without delay. The Union has put forward a proposal for the elaboration of an implementation agreement to the United Nations Convention on the Law of the Sea regarding the protection and preservation of marine biodiversity. At the meeting of the informal consultative process last June, the European Union also introduced possible elements for inclusion in such an agreement.

As we see it, the law of the sea Convention provides the framework to address the benefits of an integrated cross-sectoral approach to the protection of marine biodiversity. That is particularly important in the situation in which we find ourselves, where there is no other agreed international legal basis to adopt such key international measures to protect marine biodiversity as the establishment of marine protected areas beyond national jurisdiction. In the opinion of the European Union, an implementation agreement under the United Nations Convention on the Law of the Sea is an important contribution to achieving the commitment made at the World Summit on Sustainable Development to have a representative network of marine protected areas by 2012.

In view of the urgent nature of the conservation and management of biodiversity, the European Union proposes that prompt action be taken in terms of convening a conference to establish such an implementation agreement under the United Nations Convention on the Law of the Sea.

The European Union supports the decision contained in the draft omnibus resolution to request the Secretary-General to reconvene a meeting of the Ad Hoc Open-ended Informal Working Group established by General Assembly resolution 59/24 to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. The Working Group's first meeting last February addressed numerous issues of relevance, providing a good basis for future discussions. The European Union is, however, concerned that the time for the international community to act is running out.

The European Union also appreciates the fact that the draft resolution will facilitate the deliberations of the Working Group by specifying the items the Working Group should focus on in its forthcoming meeting, all of them of obvious importance to the better protection and preservation of marine biodiversity.

The European Union attaches particular importance to subparagraph (e) of paragraph 91 of the draft resolution. The Working Group shall consider whether there is a governance or regulatory gap relating to the conservation and sustainable use of marine biological diversity beyond areas of national

jurisdiction, and if so, how it should be addressed. The European Union has been studying that matter over the past years and has come to the conclusion that the best way to address the existing governance gaps is an implementation agreement under the Law of the Sea Convention. The European Union looks forward to sharing its ideas and entering into a constructive dialogue to find effective, lasting solutions to the threats that marine biodiversity faces beyond national jurisdiction.

This year marks a turning point in our common efforts to promote increased adherence to the 1995 United Nations Fish Stocks Agreement and to strengthen its implementation. The Review Conference held last May under article 36 of the Agreement issued strong recommendations in accordance with its mandate, which were agreed by all participants, contracting and non-contracting parties alike. At the core of those recommendations lies the central role that regional fisheries management organizations are called on to play in the governance of fishing in the high seas. The European Union places great emphasis on the need to continue the reinforcement of those organizations and to ensure that they are established in all areas of the world's oceans as a matter of urgency.

The elimination of destructive fishing practices is an objective we all share. We made a clear and explicit commitment in that respect under the Johannesburg Plan of Implementation. The international debate on that crucial issue, including the recent review of progress made in response to the call for urgent action made by this General Assembly in 2004, has been lively and extremely enlightening.

The agreement we have reached under this year's draft resolution is important, although the European Union would have preferred a stronger outcome. It is now up to regional fisheries management organizations and States in respect of their flagged vessels to assume that fishing that has adverse impacts on vulnerable marine ecosystems must be tightly regulated to prevent such impacts or prohibited when prevention is not possible.

There must be full transparency and mutual scrutiny on the measures taken to achieve that objective. Also, more resources should be allocated to improve marine scientific research. States and regional fisheries management organizations must responsibly discharge the duties they have contracted under the law of the sea and be ready to stand accountable before the international community. The protection of the marine environment, and in particular vulnerable marine ecosystems, is a common responsibility. The European Union is committed to taking expeditious action, in conjunction with its partners, in following up on what has been agreed by the General Assembly.

Accordingly, the European Union restates the imperative need to take qualitative steps forward in compliance and enforcement and in the fight against illegal, unregulated and unreported fishing. That scourge continues to be a major obstacle to sustainable fishing and to the conservation of the marine environment. The European Union welcomes the recommendations made by the United Nations fish stocks Agreement Review Conference in that respect and their endorsement by the General Assembly, and hopes they will pave the way for decisive action in the months to come.

Speaking of fisheries, we would also like to take this opportunity to express our warm thanks to Ms. Holly Koehler of the United States of America for coordinating, once again with skill and patience, the consultations on the draft resolution on sustainable fisheries.

The European Union notes with appreciation several positive developments in the law of the sea over the past year. The draft omnibus resolution duly expresses satisfaction over the progress of work of the Commission on the Limits of the Continental Shelf. As the Commission's workload is growing, it is imperative to ensure that the Commission can continue to perform its functions effectively, as well as maintain its high level of expertise.

The contract signed in July 2006 between Germany and the International Seabed Authority regarding the exploration of polymetallic nodules in an area of the Pacific Ocean represents an important milestone in the Authority's activities, as it refers to the first application for a plan of work since the entry into force of the Convention and the earlier pioneer investor applications.

The draft resolution also notes the first meeting of the Ad Hoc Steering Group for the "assessment of assessments" launched as a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. As we

have pointed out, the European Union sees the assessment as an important vehicle for improved cooperation between the agencies of the United Nations and other bodies. We also foresee it offering a firm basis for improved oceans policy-making.

The European Union recognizes the important work done in various forums, including the International Maritime Organization and the International Labour Organization, as mentioned in section VIII of the draft omnibus resolution, on maritime safety and security and flag State implementation.

In that context, the European Union would also like to stress the importance of the principle of freedom of navigation and the rights of innocent passage and transit passage in accordance with the United Nations Convention on the Law of the Sea. In that respect, the European Union reaffirms its view that the laws and regulations adopted by States bordering straits used for international navigation relating to transit passage through straits, in accordance with the Convention, shall not discriminate in form or in fact among foreign ships or in their application have the practical effect of denying, hampering or impairing the right of transit passage. In addition, the European Union would like to stress that port States should exercise their sovereignty in relation to the management of their ports in a manner that is non-discriminatory and consistent with the United Nations Convention on the Law of the Sea and other relevant international law.

All members of the international community should have full opportunity to benefit from the applicable legal regimes over ocean uses. In practice, however, there is not always such opportunity due to a lack of available resources for effective enjoyment of the regimes. In the draft omnibus resolution, well-placed attention is drawn to assistance and support to the developing States with a view to, inter alia, better integrating sustainable and effective marine development into national policies and programmes. The European Union places much importance in the full possibility for all States to participate in the application of the rules and principles of the law of the sea.

We would also like to emphasize the continued need for more information on and better understanding of the marine environment and its vulnerable ecosystems. In that context, the informal consultative process has an important role to play. We recognize the compromise reached on topics to be taken up in coming years, referring to two sets of important issues: marine genetic resources for 2007, and maritime security and safety for 2008. At the same time, we recognize that some improvement in the workings of the consultative process still remains to be done. A programme overloaded with panels and consultation may not contribute in the best possible way to attaining its high objectives.

In conclusion, we would like to express our appreciation to the Secretariat and the Division for Ocean Affairs and the Law of the Sea for the professional work done over the past year. Not least does this apply to the preparation of the annual report on oceans and the law of the sea, which has proven to be an invaluable tool for law of the sea discussions. Our best wishes are also due to colleagues at the Division shortly to retire, including its Director, Mr. Vladimir Golitsyn.

Mr. Beck (Palau): I have the honour to speak on behalf of the members of the Pacific Islands Forum who are represented at the United Nations, namely, Australia, Fiji, Kiribati, the Republic of the Marshall Islands, the Federated States of Micronesia, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu, as well as my own country, Palau.

The Pacific Islands Forum covers a region of diverse States. As a group, we are collectively blessed with a vast expanse of interlocking ocean space and marine resources. The ocean and its resources are vital to the very existence of our region, and so we, as joint custodians, share the common objective of ensuring their sustainable conservation and management.

The leaders of the Pacific Islands Forum nations came together in Nadi, Fiji, this past October and agreed to an historic commitment to protect our ocean and their resources. Some members of the Assembly might remember that our leaders were similarly united in 1989, in Tarawa, Kiribati, when they called on the world to ban large-scale pelagic driftnet fishing in the South Pacific. The Nadi Declaration of the leaders, commits the Pacific Islands Forum nations to "advance international efforts to institute an immediate interim prohibition on destructive fishing practices including bottom trawling" (*A/61/558, p. 12*) in unmanaged areas beyond national jurisdiction, and to seek the implementation of appropriate conservation and

management measures for destructive fishing practices in other high seas areas.

Our leaders felt that urgent action on destructive fishing practices was required because such practices undermine the conservation and sustainable use of marine biological diversity, which is so crucial to our very way of life.

This year's consultations on the sustainable fisheries draft resolution (A/61/L.38) saw a particular focus on the issue of fishing practices, including bottom-fishing, that have adverse impacts on vulnerable marine ecosystems. Responsible fishing nations understand the need to end destructive fishing practices, including bottom-trawling, on vulnerable marine ecosystems and many have adopted measures to restrict such practices within their national waters. In that regard, we note the statement in this year's excellent report of the Secretary-General, that it is believed that 95 per cent of the damage to seamount ecosystems worldwide results from bottom trawling — which is usually concentrated around areas where fish aggregate to feed and spawn — and that in international waters at least, the practice remains poorly regulated, if at all.

If I may repeat, 95 per cent of the damage to seamount ecosystems worldwide is caused by bottom trawling. So we therefore welcome the final sustainable fisheries draft resolution as a significant advance in international efforts to regulate bottom fishing in international waters. Given that progress in taking the urgent actions called for two years ago in the fisheries resolution were most limited with respect to international waters, it was important for the General Assembly to build considerably on its calls for action.

We are satisfied that regional fisheries management organizations (RFMOs) and developing RFMOs now have a series of clear actions to implement for regulating bottom fisheries that have destructive impacts on vulnerable marine ecosystems. This year's draft resolution goes much further than that of 2004, as it clearly sets the standard for the management of bottom fishing activities and their impact on vulnerable marine ecosystems. It is directly targeted towards preventing significant adverse impacts — in effect protecting vulnerable marine ecosystems from destructive fishing. The adoption by RFMOs of the strong package of measures required in paragraph 83 should bring about a very substantial reduction in destructive fishing activities on the high seas.

We also welcome the call in paragraph 85 for States participating in negotiations to establish an RFMO to ensure they adopt and implement interim measures consistent with paragraph 83 by December 2007. That task will be taken up by the countries of the Pacific and those other countries participating in the negotiations for a South Pacific regional fisheries management agreement. It is unfortunate that some countries were not yet ready to adopt interim measures at our South Pacific RFMO meeting in November in Hobart, Australia. We very much hope that, with the impetus provided by the draft resolution, we will see the adoption of such measures at the next meeting to be held in Chile, in April 2007.

For the countries of the Pacific, the most disappointing aspect of the sustainable fisheries draft resolution, in light of our commitments in the Nadi Declaration, was in respect of measures to address bottom fishing in unregulated areas of the high seas. In accordance with the mandate of the Nadi Declaration, the Forum countries argued strongly for an immediate interim prohibition on bottom trawling in unmanaged areas.

We are very disappointed that some States were unwilling to support such an approach. We consider that an interim prohibition would have been the clearest and most effective means for dealing with the impacts of bottom fishing in areas where there are no multilateral measures in place, and none in prospect. An interim prohibition would have further encouraged the development of new RFMOs for unregulated areas. We were yet further disappointed that a small number of States were not willing to consider a freeze on the expansion of bottom fisheries in unregulated waters from existing levels. We believe this goes against the intent and the spirit of many of the measures agreed in this year's draft resolution.

We do, however, recognize the great importance of paragraph 86 of this year's draft resolution, which makes it clear that measures are required to control bottom fishing in all areas of international waters, including the unregulated areas, and that doing nothing is simply not an option. Under the draft resolution, bottom fishing in unregulated areas of the high seas must either be subject to flag State measures of the kind set out in detail in paragraph 83 to prevent

damage to vulnerable marine ecosystems, or must not be authorized at all.

It is also very important to recognize that States whose vessels are carrying out bottom fishing in the high seas, including the unregulated areas, are called on to make publicly available through the Food and Agriculture Organization of the United Nations a list of those vessels authorized to carry out bottom fishing in those areas, and their measures adopted pursuant to paragraph 86. The adequacy of those measures — and States' compliance with them — will, of course, be key issues for our ongoing discussion, and we will continue to scrutinize them very carefully.

While we would very much have preferred stronger multilateral measures for unmanaged areas, such as the immediate interim prohibition we advocated, the Forum countries recognize that this package of measures represents a significant advance on the status quo. We also appreciate that States — under excellent leadership by the coordinators — worked hard to find consensus, and that this year's draft resolution reflects the collective commitment of the international community, comprising both fishing and non-fishing States.

Nevertheless, we all know that individual States can still do more. We urge flag States in particular to ensure that their vessels and nationals fish responsibly, and in accordance with conservation and management measures, including those in paragraph 86 of this year's draft resolution.

The international community will need to be focused and disciplined, both individually and cooperatively, to implement the steps that we are agreeing to today. The Forum countries will be at the forefront of this action, and we hope that others are as committed to taking on this challenge and to fulfilling their responsibilities.

For those reasons, the Forum members are ready to support the adoption of this draft resolution, which we see as a positive step on the part of the international community to support responsible fisheries and protect marine biodiversity in areas beyond national jurisdiction.

Ms. Negm (Egypt) (*spoke in Arabic*): At the outset, I would like to express the appreciation of the delegation of Egypt to the Secretary-General and to the Division for Ocean Affairs and the Law of the Sea for the valuable reports they have submitted under this item, concerning oceans and the law of the sea (A/61/63) and on sustainable fisheries and vulnerable marine ecosystems (A/61/154).

The delegation of Egypt attaches great importance to the implementation of the law of the sea, especially the 1982 United Nations Convention on the Law of the Sea, which we considered to be the cornerstone of an integrated international system to govern the seas. This system not only includes the delimitation of maritime zones and defining the limits of the national jurisdiction of coastal States, but it also provides a basis for the concept of integrated ocean management in a manner that ensures the interests of all States, without exception.

In this regard, the delegation of Egypt would like to express its continuing concern that the measures thus far adopted by the international community to protect marine ecosystems and ensure their sustainable development have been insufficient.

With regard to fishing practices, the delegation of Egypt reaffirms the danger involved in permitting vast sea and ocean spaces to be open to illegal fishing practices of all kinds, including overfishing and unreported and unregulated fishing, and especially bottom-trawling and the use of bottom-set long lines and bottom-set gillnets. All those practices damage coral habitats; we see this as considered a pressing problem that needs to be tackled in the near future.

In this regard, the status of marine ecosystems could be improved by using modern technologies for fishing and for mapping the deep seas, instead of using them to engage in overfishing, which hinders the sustainability of fish stocks and potentially depletes target stocks and associated species, especially in or around deep sea habitats such as seamounts, cold-water reefs and trenches. Illegal fishing practices not only alter the functioning of marine ecosystems, but they also threaten the extinction of fish within 40 years.

Therefore, the delegation of Egypt had hoped for an interim ban in the new draft resolution, to be directly implemented in unregulated fishing areas on the high seas, beyond the limits of national jurisdiction over coastal areas.

The continuing degradation of marine ecosystems is a critical issue to which we should attach great importance, especially with regard to pollution caused

by oil spills, the dumping of waste, radiation caused by the dumping of radioactive waste and the presence of noxious and hazardous substances in the seas and oceans.

Here, we note that the current legal regime and the measures that States have adopted to date are insufficient to protect fish stocks against overexploitation going beyond their natural ability to replenish their numbers. In addition, international efforts to implement the recommendations of various studies aimed at preventing the continued degradation of marine ecosystems, including those directed towards increasing existing fish stocks, are still insufficient.

The delegation of Egypt still has reservations on several provisions of the 1995 Fish Stocks Agreement, including its articles 21 and 22, relating to procedures for boarding and inspection of fishing vessels flying the flag of a State other than that of the boarding vessel. We also have concerns about the negative impact of implementing the provisions of the Agreement and about the possibility that such provisions might affect the rights, obligations and interests of coastal States under the 1982 United Nations Convention on the Law of the Sea, especially article 7 of the 1995 Fish Stocks Agreement, which could lead to the imposition of measures that might affect the sovereign rights of coastal States.

To conclude, my delegation welcomes the decision to focus the 2007 deliberations of the Informal Consultative Process on the topic of marine genetic resources in areas beyond national jurisdiction. Egypt attaches great importance to the issue of maritime security and safety as well. However, we reaffirm that the duplication of discussions in other international forums should be avoided to prevent the waste of time, effort and resources. In that regard, we note once again that the Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation that was adopted in October 2005 by the International Maritime Organization deals with issues relating to the illegal transport of radioactive material or weapons of mass destruction and other sensitive matters that might affect maritime safety and security.

We therefore suggest that the 2008 discussions relating to maritime safety and security focus on building the capacity of developing States to enable them to fulfil their contractual obligations in accordance with existing conventions. This could include assistance in updating information-gathering systems and in establishing databases through which States can identify the nature of shipments being transported by vessels flying their flags. It could also include assistance to coastal States in taking measures necessary to ensure the safety and security of their ports through enhanced means of inspecting shipments departing from, arriving at or transiting through those ports. Also, effective measures against piracy and armed attacks against ships on the high seas should be studied, but this should not lead to further obligations that could overburden developing States or impose obligations that go beyond those they must implement under international law and existing norms.

Ms. Picco (Monaco) (*spoke in French*): As at previous sessions, the Principality of Monaco is a sponsor of the two draft resolutions submitted to the General Assembly under this item (A/61/L.30 and A/61/L.38). Over the years, these texts have reflected the increased attention that Member States give to the topic of oceans and seas. Recognition of the biological importance of oceans, which cover 70 per cent of the Earth's surface and represent 97 per cent of its water resources, and recognition of the fragility of marine ecosystems are crucial and must guide all marine research and conservation activities.

His Serene Highness Prince Albert II has established a foundation for the environment and sustainable development, one of whose spheres of activity is biodiversity. A scientific and technical committee composed of experts selects projects submitted in the areas of technological innovation, the development of activities, biotechnologies, research and studies. We are therefore particularly pleased at the clustering of provisions related to marine biodiversity into a specific detailed chapter in draft resolution A/61/L.30.

The February 2006 meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction stressed, inter alia, the need for increased cooperation and coordination, as well as the importance of scientific data.

At the 2008 meeting of the Working Group, and on the basis of the report of the Secretary-General to be presented at the next session, we will be able to review the desirability of a legal instrument under the aegis of

the United Nations Convention on the Law of the Sea (UNCLOS) that would be specific to conservation and the sustainable use of marine biological diversity beyond areas of national jurisdiction.

Here, I wish to recall that the Principality is continuing its work for Mediterranean marine biological diversity through its active participation in the management of the French-Italian-Monegasque agreement creating the Pelagos Sanctuary for Mediterranean Marine Mammals; we chair its Scientific and Technical Committee. This vast protected area is currently the only transnational area covering a high seas area.

The Principality has also participated actively for several years in the activities of the secretariat of the Corredor Biológico Marino del Pacifico Este Tropical, which includes Costa Rica, Panama, Colombia and Ecuador, and in the work of its Technical Committee, where we provide expertise in managing protected marine areas and marine biodiversity. This cooperation made it possible, inter alia, to hold a Scientific Committee meeting in Panama in August 2006 that discussed eco-tourism and the establishment of a network of tourism experts from four countries participating in the Corredor.

The Scientific Committee of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), met a month ago in Monaco and decided to submit to the third meeting of parties, to be held in 2007 in Croatia, the following proposals: measures to reduce noise pollution; conservation of endangered species in the Black Sea and of the Mediterranean common dolphin; measures to reduce collisions between vessels and cetaceans; and strengthening of a network to monitor beachings in the ACCOBAMS area. Furthermore, ACCOBAMS member States decided to establish a joint database on monitoring cetaceans, with the Mediterranean Science Commission and Pelagos, the aim of which is to create synergy between those three organizations.

As members know, this year we commemorated the first World Hydrography Day. Cooperation between the International Hydrographic Organization (IHO) and Member States and organizations within the United Nations system continues to develop, and we are pleased at that. The General Assembly would like to see more work done in the area of capacity-building for developing countries. The role of marine cartography is crucial for the maritime industry with regard to maritime safety, but it also provides useful data and information for sustainable fisheries and for the protection of the marine environment.

In 2007, IHO is planning to choose as a topic for the International Day of Hydrography "Electronic navigation maps: an essential element for safety and the rational exploitation of the sea". We invite States to join with this institution in making the Day a success.

For more than 20 years now, the Institute on the Economic Law of the Sea (INDEMER) has focused on broader knowledge of this branch of law. Next year in Paris it will be organizing a symposium on the flag and another one in Monaco on the Mediterranean marine heritage, where we will discuss questions of coastal development, the restoration of coastal archaeological zones and the creation of natural parks, with a view to sustainable development. INDEMER will also be hosting a meeting of governmental experts to continue the setting of guidelines regarding the environmental impact of pleasure boats in the Mediterranean within the framework of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its additional protocols, with the support of the Division for Ocean Affairs and the Law of the Sea.

In conclusion, I would like to thank the Division for Ocean Affairs and the Law of the Sea, as well as our colleagues Holly Koehler of the United States of America and Carlos Duarte of Brazil, who guided consultations on the draft resolutions that we will be adopting and that will guide our work and that of the Secretariat for the coming year.

Mr. Niño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela would like to make a statement on agenda item 71, "Oceans and the law of the sea", and its sub-items (a), on oceans and the law of the sea, and (b), on sustainable fisheries. My delegation attaches particular importance to the topic of oceans and the law of the sea; it is a priority matter for our country, due, among other things, to our geographical location, our concern for the environmental preservation of marine ecosystems and our strict respect for international law.

The General Assembly, through the adoption of resolution 60/30, as a follow-up to resolution 59/24,

decided to convene an Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, in order to demonstrate the international community's concern for our vast marine ecosystems and their ever increasing deterioration. The Group met in New York in February 2006.

Recognizing the relevance and scope of this issue, the Bolivarian Republic of Venezuela actively participated in the meetings of the Working Group and stressed that the Convention on Biological Diversity mechanism has been considering this item, in particular since the adoption by the Conference of the Parties of the Jakarta Mandate on Marine and Coastal Biological Diversity through its decision II/10 of 1995. Later, in 2004, it adopted the extended programme of work on marine and coastal biological diversity by annex I of its decision VII/5, which covers a 10-year period. At the same time, the eighth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Curitiba, Brazil, in March 2006, recognized by its decision VIII/24 the key role of the Convention in this regard. My delegation is therefore convinced of the decisive role of the Convention on Biological Diversity as the legal framework governing future endeavours, and as an instrument to provide the necessary input to the General Assembly of this universal Organization.

During informal consultations on the draft resolution on this subject (A/61/L.30), we insisted that the Convention be recognized. We are pleased that the draft resolution soon to be adopted explicitly contains a chapter on this issue and, additionally, that it reflects well the concerns of those States that are not parties to the United Nations Convention on the Law of the Sea.

In this context, we wish to reiterate, as we did in the Working Group in New York in February 2006 and during the recent informal consultations, that the reasons that have prevented Venezuela from being a party to the United Nations Convention on the Law of the Sea continue to exist. Beyond this international context, at the national level, the Bolivarian Republic of Venezuela has reflected international law in its domestic legislation, inter alia the Organic Law on Aquatic and Insular Spaces, the Law on Fisheries and Aquaculture and the legally binding decree governing coastal areas.

The addendum to the report of the Secretary-General (A/61/63/Add.1), in its chapter on marine biodiversity, states, with reference to the "summary of trends" drafted by the Chairpersons of the Working Group, that the United Nations Convention on the Law of the Sea (UNCLOS) sets out the legal framework that should govern this issue. To our mind, this does not reflect the debate that took place. On the contrary, many delegations underlined the vital and pertinent role of the Convention. Additionally, UNCLOS does not have a specific regulatory regime concerning that issue. For that reason, Venezuela agrees with the statement in paragraph 146 of the Secretary-General's report to the effect that, inter alia, the Convention on Biological Diversity has a key role to play in the context of United Nations efforts in this respect, owing to its broad scope as a framework regulatory instrument for biodiversity conservation and use in all its aspects.

Venezuela attaches high priority to the issue of sustainable fisheries. We have undertaken initiatives to promote and implement programmes aimed at the conservation, protection and management of our aquatic biological resources in the framework of our internal legislation, and specifically through our fisheries and aquaculture law.

Another important aspect of Venezuelan legislation that we would like to highlight is the regulation of bottom trawling. We have established a regime of sanctions in that respect in case of non-compliance with conservation and management measures.

Finally, we would like to take this opportunity to express our deepest appreciation to Minister Carlos Duarte of Brazil for the excellent work he did in coordinating informal consultations. In the same vein, we would like to thank all the delegations involved in the negotiations carried out within the framework of those consultations and to thank them for their understanding of all of the arguments that our delegation put forward. We thank in particular our brothers and sisters from the Group of 77, as well as Finland, as spokesperson for the European Union. This is further evidence of the fact that it is through negotiations, a common will and an understanding of different positions that consensus can be reached. Chapter X of the draft resolution on oceans and the law of the sea shows clearly the pivotal role of the United

Nations as the universal forum for multilateral negotiations par excellence.

Ms. Ebrahim (Kuwait) (*spoke in Arabic*): At the outset, I should like to thank the Secretary-General for his important report entitled "Oceans and the law of the sea" (A/61/63 and Add.1). The report contains a comprehensive overview of developments related to oceans and the law of the sea, as well as important information on developments related to the implementation of the Convention and on the work of the Organization and its specialized agencies in the area of oceans and the law of the sea, at the regional and international levels. The report represents a solid basis for the General Assembly to consider developments in this regard.

The State of Kuwait welcomes the increase in the number of States that have acceded to the United Nations Convention on the Law of the Sea — 149 to date. We urge those States that have not yet acceded to the Convention to do so with a view to promoting its universality and strengthening peace and security as well as cooperation among all States on the basis of equality of rights and justice, in line with the purposes and principles of the Charter of the United Nations.

We commend the progress made in the context of all the activities agreed to in the Convention, especially that relating to the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. We would like to reaffirm the importance of the full implementation of the provisions of the Convention as the agreed legal framework for the peaceful uses of the oceans and seas.

We believe that the building of marine capacity and the transfer of technology are essential elements for developing countries that will enable them to play a more effective role in the management and preservation of marine resources and to benefit from the sustainable development of oceans and seas. We would like to commend the efforts of the Division of Ocean Affairs and the Law of the Sea, which has offered training courses to technical and management staff from developing coastal States.

The United Nations Convention on the Law of the Sea renews the legal framework within which all activities in the oceans and seas must be carried out. It sets out the boundaries of territorial waters as well as national jurisdictions and the limits of the continental shelf. It also guarantees freedom of navigation beyond territorial waters as well as the right of passage through territorial waters and international straits. In addition, it promotes friendly relations and cooperation between all States.

The integrated character of the Convention constitutes a basis for the rule of law in the oceans and seas. The State of Kuwait therefore reiterates the need to enhance cooperation and coordination at all levels, in keeping with the provisions of the United Nations Convention on the Law of the Sea, in order to address all aspects of the issue of oceans and seas in an integrated manner. We also call for the integrated management and sustainable development of the oceans and seas.

The protection of marine ecosystems and the preservation of natural resources are issues of the utmost importance. We must therefore adopt a more integrated approach, and we must continue to consider and strengthen measures aimed at intensifying cooperation and coordination in the area of the preservation of marine biodiversity, which could be affected by climate change or by natural or man-made phenomena.

Within the framework of those efforts, we must also keep in mind the recommendations of the Johannesburg Plan of Implementation of the World Summit on Sustainable Development, which call for preserving the productivity and the biodiversity of vulnerable marine and coastal regions within national jurisdictions and beyond. In addition, we must abandon all harmful practices by vessels using destructive fishing equipment, which adversely affects marine ecosystems. We also join other delegations in their call for adoption of internationally binding measures aimed at preventing illegal fishing activities.

The State of Kuwait deems highly important issues relating to oceans and the law of the sea. For that reason, it acceded to the United Nations Convention on the Law of the Sea in 1986 and to several other agreements, including the 2002 Agreement relating to the implementation of part XI of the Convention on the Law of the Sea. Kuwait is also party to the Protocol Concerning Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf.

Kuwait looks forward to acceding to the Agreement relating to the conservation and

management of straddling fish stocks and highly migratory fish stocks and to related instruments.

I would note here that Kuwait serves as host country for the Regional Organization for the Protection of the Marine Environment (ROPME), established in 1978 by the Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution whose goal is to conserve resources and marine ecosystems and protect them from pollution. The Agreement is aimed at coordinating the efforts of the Arab Gulf States in the conservation of marine resources and marine biodiversity. Kuwait, jointly with the International Atomic Energy Agency, is also implementing programmes for the protection of marine biodiversity.

In closing, my country's delegation would like to reiterate its readiness to engage in joint efforts to improve the lives of all people through the best possible use and the preservation of marine resources, so that all countries can benefit from sustainable biodiversity.

Mr. Sen (India): At the outset, my delegation wishes to thank the Secretary-General for his comprehensive reports on oceans and the law of the sea.

This year's report (A/61/63 and Add.1) contains very useful information on issues and developments relating to ecosystem approaches and oceans which served as a basis for discussion at the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The text adopted at the seventh meeting recognized that, by its very nature, the ecosystem approach does not easily lend itself to mandatory "one-size-fits-all" measures. It contains sections on the guiding principles for the application of the ecosystem approach, its possible constituent elements, and the implementation and improved application of the approach. In that context, capacity-building, technology transfer and greater consideration of developing countries' experiences in implementing ecosystem approaches in marine management also need to be given due consideration.

The topic of ecosystem approaches and oceans confronts us with a range of issues that require multidisciplinary examination. The approach is science-based, and it is acknowledged that scientific understanding of ocean ecosystems is still very limited. Moreover, the composition and functioning of individual ecosystems and the pressures on them are area-specific, which makes the task more expensive and complex. In areas where ecosystems cross geographical boundaries, it may be necessary, as pointed out in the Secretary-General's report, for States to pursue bilateral or regional cooperation.

Further, it has been demonstrated that any such approach cannot be rigid. Given the changes which may occur in spatial and temporal scales, the requirement for flexibility and adaptability has to be built in. It is essential in this context to develop approaches to reconcile multiple objectives, ensure participation of different stakeholders and accommodate diverse interests. The continued application of the precautionary approach therefore remains essential.

There is now undeniable evidence that certain scientific research which is intrusive in character could put the fragile ecosystem and the species of the deep sea at risk. Marine scientific research which aims at the exploration of biodiversity for commercially valuable genetic and biochemical resources — so-called bio-prospecting — could be one such activity. We believe that the general principles of marine scientific research, namely, those contained in articles 140 (1) and 241 of the United Nations Convention on the Law of the Sea, should also apply to bio-prospecting. The symbiotic relationship between the biodiversity of the seabed and its ecosystem means that the entire resources of the seabed, living and non-living, are the common heritage of mankind. The task before us today is to identify the risks to this common heritage of mankind and agree on a substantive legal basis for the conservation and management of biodiversity and the use of biological and biogenetic resources of the deep seabed and subsoil.

We are not averse to looking at new approaches within the confines of the United Nations Convention on the Law of the Sea to promote international cooperation aimed at the conservation and sustainable use of living resources of the high seas and benefit-sharing of seabed resources located in the areas beyond national jurisdiction. However, the participation of developing countries in devising such new approaches greatly depends on the scientific information available to them. Promotion of the flow of scientific data and information and transfer of knowledge resulting from marine scientific research, especially to developing

States, is therefore essential. We are pleased that this year the eighth meeting of the Consultative Process will focus its discussions on the topic of marine genetic resources.

We welcome the preparations for the launch of the first phase of the regular Global Marine Assessment (GMA) and the holding of the first meeting of the ad hoc steering group chaired by Mexico and Australia. We see the GMA as an important instrument for better coordination and cooperation between the various United Nations bodies and related organizations towards the integration of existing scientific and technical data and information and for identifying the gaps therein.

In the area of maritime navigation, we would like to express our serious concern over incidents of piracy and robbery at sea. In that respect, we welcome the regional efforts made in the context of establishing cooperative mechanisms on safety of navigation and environmental protection and particularly welcome the coming into force on 4 September 2006 of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia and the launch of its information-sharing centre.

We would also like to emphasize the importance of the principle of freedom of navigation, including the right of innocent passage as well as transit passage through straits used for international navigation. The States bordering straits may adopt laws or regulations relating to transit passage through straits, but such laws should be enforced in a manner that is non-discriminatory and fully consistent with article 42 of the United Nations Convention on the Law of the Sea.

The subsidiary institutions established under the Convention have reported significant advances in their respective areas. The Commission on the Limits of the Continental Shelf is currently considering five submissions regarding the establishment of the outer limit of the continental shelf beyond 200 nautical miles. However, keeping in view the anticipated heavy workload of the Commission, it is essential that issues relating to the participation of members in its meetings and their funding should be addressed to take into account the concerns of members from developing countries. In this regard, we also support the strengthening of the Division that serves as the secretariat of the Commission, since, given the increase in submissions, the Commission will require enhanced technical support.

The International Seabed Authority is currently involved in developing a legal regime for prospecting and exploration of polymetallic sulphides and cobalt-rich ferromanganese crusts to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area, and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area.

The Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, held in New York earlier this year, provided a useful forum for assessing the effectiveness of the Agreement. The Conference noted with concern that straddling fish stocks and highly migratory fish stocks were overexploited and depleted. Overfishing and overcapacity are seen to undermine efforts to achieve the long-term sustainability of those stocks. The Conference therefore recommended urgent reduction of the world's fishing capacity to levels commensurate with the sustainability of fish stocks. In that context, the legitimate right of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks in accordance with article 25 of the Agreement was recognized.

We note with concern the impact of destructive fishing practices on vulnerable marine ecosystems. There is sufficient data to suggest that marine habitats are being affected by bottom trawling, which has the potential to alter the functioning, state and biodiversity of marine ecosystems, particularly vulnerable ecosystems. That was recognized in 2004 as well, and the need for improved governance of deep-sea fisheries and marine ecosystems was noted.

The Secretary-General, in his report on impacts of fishing on vulnerable marine ecosystems (A/61/154), has also emphasized the critical need for mapping in the deep sea and the need to follow a precautionary approach. Accordingly, we see the time-bound measures proposed in this year's draft resolution to protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals

from destructive bottom-fishing practices as a first important step in addressing this problem.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation deeply appreciates the Secretary-General's report on the oceans and the law of the sea (A/61/63 and Add.1). The past year has witnessed further progress in the implementation of the 1982 United Nations Convention on the Law of the Sea and the relevant agreements. We wish to express our appreciation to the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea for the work they have done.

The Chinese delegation took an active part in the informal consultations on the draft resolutions dealing with oceans and the law of the sea (A/61/L.30) and sustainable fisheries (A/61/L.38) under this agenda item. On this occasion, I wish to thank Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States for their efforts in bringing the consultations on the two draft resolutions to a fruitful conclusion.

We take note of the fact that both draft resolutions place a high value on the status and role of the United Nations Convention on the Law of the Sea. By now, the number of States parties to the Convention has reached 152. The growing number of States parties is a reflection of the universality and authority of the Convention, its ability to adapt to changing conditions over time to meet new challenges, and its dynamic vitality. We now need to maintain the unified character and integrity of the Convention and to preserve the balance of different interests as provided for in the Convention.

As science and technology develop and the exploitation of the oceans by mankind advances, the capability of nations to utilize and protect the oceans is growing while new issues and challenges are emerging. The development of marine science and resources is important for ensuring food security, alleviating poverty, promoting economic growth and preserving social stability in all countries, especially developing countries.

We support the relevant elements on development contained in the draft resolution on oceans and the Law of the Sea. As the Group of 77 and China pointed out in the informal consultations, the promotion of development is not merely a question of capacity-building in developing countries but also one of the fundamental objectives of the Law of the Sea regime and the marine order. Both the question of development and the special interests and needs of developing countries as emphasized in the Preamble to the Convention should be understood from this macroperspective. We are pleased to note that the draft resolution reaffirms and emphasizes the goal to promote the equitable and effective use of marine resources.

The work of the Commission on the Limits of the Continental Shelf is relevant not only to the delimitation by coastal States of the outer limits of the continental shelf beyond 200 nautical miles, but also to the delimitation of the international seabed. Therefore, it is of great significance to the exploitation of the resources of the Area as the common heritage of mankind.

We note that the draft resolution emphasizes the importance of the work of the Commission to the international community as a whole and positively evaluates the Commission's work and contribution. At the same time, the draft resolution also notes the heavy workload and the financial situation of the Commission and expresses the determination to ensure the Commission's continued high level of professionalism and effective functioning.

The Chinese delegation has always supported the work of the Commission and has provided all necessary support to Mr. Lu Wenzheng, the Chinese member of the Commission, as he carries out his functions. We are confident that Mr. Lu, with his outstanding professional skills and rich experience, will contribute to the work of the Commission. We also sincerely hope that the work of the Commission will proceed smoothly and yield positive results.

The conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction bear upon the protection of marine ecosystems, the development of health and medicine, the advancement of science and technology and the achievement of economic prosperity for humankind. In light of the complexity and sensitivity of the issue and the limited knowledge available to humankind, we should encourage the international community to step up its study and research in this regard. We support the convening by the Secretary-General of the second session of the informal ad hoc working group in 2008 to study the impacts of anthropogenic activities on

marine biological diversity and explore ways and means for cooperation and coordination between States and intergovernmental organizations.

We believe that measures for the conservation of marine biodiversity beyond areas of national jurisdiction should be agreed to within the framework of the United Nations Convention on the Law of the Sea and other relevant international conventions, and should take into full account the existing regimes governing the use of the high seas and the international seabed. The purposes of all these efforts should be to find a balance between conservation and sustainable use instead of simply prohibiting or limiting the use of the oceans and seas.

The Chinese delegation takes great interest in the question of fisheries. As a responsible major player in fisheries and one which aims at the sustainable development of fisheries throughout the world, China has always worked to improve the conservation and management of fishery resources. China took an active part in this year's review conference on the United Nations Fish Stocks Agreement. It is also an active participant and plays a constructive role in the discussions on the question of fisheries in various international and regional mechanisms.

Utilization of fishery resources on the high seas is by no means the vested interest of a small number of countries. While considering and formulating measures for the management and conservation of fisheries, the international community should ensure that people, especially those in developing countries, enjoy their legitimate rights to fishery resources. We welcome the emphasis that the relevant paragraph of the draft resolution places on fairness and transparency in the internal decision-making process of regional fishery management organizations.

A major goal that the Convention seeks to achieve is to facilitate marine navigation. The regimes established by the Convention for governing the transit passage through straits used for international navigation and the passage through the sea lanes of archipelagos are important for ensuring freedom of navigation at sea and should be complied with by all States. We hope that these regimes of the Convention will be preserved. Laws and regulations promulgated by any coastal State should be in line with the Convention and relevant international law and should not undermine the principle of freedom of navigation at sea.

The United Nations Convention on the Law of the Sea provides a basic legal framework for mankind's activities in the oceans and constitutes the contemporary marine order. Together with all other States, China is ready to honour its international commitments in the spirit of the Convention and work for the development of marine science and resources, and for peace, justice, harmony and the progress of mankind.

Mr. McNee (Canada): Canada is proud to be a sponsor of the draft resolutions on sustainable fisheries (A/61/L/38) and on oceans and the law of the sea (A/61/L.30). These draft resolutions are a testament to our shared purpose and the need for priority actions. They prove that there is collective will among us to make tough decisions. But without implementation, these efforts are just words on paper.

Canada would like to thank Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States for successfully coordinating the informal consultations on these draft resolutions, and the United Nations Division on Ocean Affairs and the Law of the Sea for its support of key meetings this year.

The vulnerability of oceans and their resources has mobilized unprecedented attention from citizens, communities, international organizations, academics and civil society. That attention will continue, as will the expectation for action. The year 2006 was pivotal for helping to close the gap between what we have been talking about doing and what we are now actually achieving. We must build on this momentum. Canada's view is that doing so will go a long way towards restoring the public's faith in our ability to do the job we have been entrusted to do.

Canada's priorities for fisheries and oceans management are clear — we want action now to achieve real, tangible results. Effective integrated oceans management requires that we manage all activities that affect the ecosystem. But the integrated approach must have strong sectoral management as its basis. Canada's number one priority is strong and effective regional fisheries management organizations (RFMOs) — credible organizations that will make tough decisions and implement modern management principles, such as the precautionary approach and the ecosystems approach to fisheries, all based on the best

science available. We also need effective deterrents for rule-breakers — whether for overfishing or illegal, unreported and unregulated fishing. Canada is pleased that these goals factor so prominently in the collective commitment being made here today.

In September, members of the Northwest Atlantic Fisheries Organization delivered major concrete reforms along these lines, and we expect determined follow-up on these commitments. Other RFMOs are undertaking similar efforts, and new RFMOs are taking shape, for instance, in the North and South Pacific. Interim measures being put in place until those organizations are formally up and running are crucial to dispelling the image of the high seas as open territory for rogue fleets to fish with abandon.

There are some who think that these collective approaches are too slow to solve urgent problems. It is now up to Member States to implement those resolutions and prove them wrong. Canada is dismayed when collectively we fall short of making the tough decisions necessary to manage our fisheries resources sustainably. The world is watching — and waiting — for our collective efforts to make a difference in the health of the oceans. We must all be up to the challenge.

The sustainable fisheries draft resolution shows us our future agenda. All flag States need to control their vessels and, in particular, flags of convenience must end. We also agree on the need for more rigorous port-State measures to ensure that illegal fish cannot find their way to markets.

Canada and several other States agreed to such measures at the final meeting of the High Seas Task Force in March, when we released the report "Closing the Net: Stopping Illegal Fishing on the High Seas". We recommended concrete actions to crack down on illegal, unreported and unregulated fishing — recommendations that deserve our collective attention. Among them, Canada is championing follow-up work on model standards for RFMO performance, which are being developed by a panel of experts. We are also asking for the General Assembly's ideas and input on this work. We hope that consultations can begin in March 2007.

States and RFMOs should be guided by the strongest international instruments at our disposal. That is why Canada attaches great importance to the United Nations Fish Stocks Agreement. States parties to the Agreement now account for over 70 per cent of world fish imports. But the full potential of the Agreement cannot be achieved until it enjoys universal participation by States that fully comply with their obligations. We therefore support urgent calls for all States to become parties to the Agreement, and we welcome announcements this year from 15 States of their intention to do so. We heartily welcome the newest parties — Japan, Niue, Trinidad and Tobago, Estonia, Slovenia and Poland.

As for an urgent emerging issue, we have also agreed that States and RFMOs should adopt measures, consistent with the general principles in the Agreement, to manage discrete fish stocks — many of which are found in fragile deep seas. We welcome the important work being undertaken by the Food and Agriculture Organization of the United Nations (FAO) to that end.

Canada was pleased with the outcome of the Fish Stocks Agreement Review Conference, where participants engaged in a frank but very cooperative discussion and where both States parties and States not parties were able to demonstrate the flexibility needed to reach consensus recommendations. We must now all respect, support and build on those recommendations. It will be important to reconvene the Review Conference at an appropriate time to monitor progress and to make sure that we stay on track in fully implementing the Agreement.

This year's sustainable fisheries draft resolution (A/61/L.38) signals a true collective regime shift for the protection of vulnerable marine ecosystems. Responsible fishing must account for areas and ecosystems that are in need of special protection. The draft resolution now contains a specific, agreed standard for authorizing fishing in these areas — one that is practical, enforceable and transparent. We must now all implement it with conviction. Canada, like others, looks to the FAO to fulfil its role in further assisting States to meet this obligation.

Canada's overarching goal is responsible fishing. This draft resolution makes clear that if it is not responsible, it should not be authorized. But if fishing is responsible — true to the standards agreed upon by States today — Canada's view is that it must be seen as legitimate. The new transparency provisions are an important part of making this outcome tangible and measurable.

Canada will play its role. We are currently developing a new sensitive marine area policy for our waters. Canada also recently championed a national decision — endorsed by all members — to close four seamounts to commercial fishing, as a first step to better protecting vulnerable marine ecosystems.

(*spoke in French*)

Traditional sectors like fisheries are of key importance to ocean users, but we must also turn our attention to new issues and uses of the oceans, especially in all circumstances where we lack information and knowledge to understand policy and regulatory needs.

Canada supports the work of the Ad Hoc Open-ended Working Group to study issues relating to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, as a way of integrating what has all too often been a dispersed debate. We are pleased that discussions on the issue will continue in 2008, with a report from the Secretary-General to guide deliberations.

Science plays a key role in anchoring and guiding work in this area. We are pleased that the draft resolution on the law of the sea makes reference to the international workshop held in Ottawa in 2005, which identified criteria for determining ecologically and biologically significant areas. That work was a decisive step towards a common understanding of areas needing special attention from the international community. We encourage all delegations to consider those outcomes and we look forward to follow-up efforts to bring further rigour to such issues.

Canada is fully committed to the Informal Consultative Process on Oceans and the Law of the Sea, in view of the richness it can add to collective discussion on oceans issues Canada is honoured to be co-chairing the Process. This year's session on ecosystem approaches and oceans demonstrated that we can tackle complex broad issues through well-planned discussions. It also confirmed that we already have many of the tools to make major progress in that key area — whether it be for fisheries or for integrated oceans management. Canada is pleased that next year's session will turn its attention to the issue of marine genetic resources. Like the topic for this year, that issue will greatly benefit from a similar multifaceted discussion at the Informal Consultative Process, which should make it possible to strengthen the foundation for ongoing policy debate across many forums.

In conclusion, while we have come together to adopt these draft resolutions to improve the responsible use of our oceans, we must recognize that these are steps in a longer journey that will require all States to make tough decisions. It is critical that we agree on a collective standard for managing our fisheries and other ocean activities. We have shown that we can take decisions through a collective process; we must now show the world that we can also act in that same way together and move forward with its implementation.

Mr. Menon (Singapore): On 10 December 1982, the United Nations Convention on the Law of the Sea was opened for signature at Montego Bay, Jamaica. There was an unprecedented show of support that day, with 119 countries signing and one country ratifying the Convention. That event marked the culmination of 14 years of work, involving more than 150 countries, multiple legal and political systems, and many levels of socio-economic development. Given the diversity of views and interests, the completion of the Convention to regulate the ocean space, its uses and resources, was a major accomplishment. As a small island State that is nevertheless a major maritime nation, Singapore participated actively in the negotiations. In fact, a Singaporean, Tommy Koh, served as President of the Conference in its final year. Today, with 152 States parties, this "constitution of the oceans" is accepted as universal. It is a landmark achievement in international law and cooperation.

A crucial characteristic of the Convention is that it is an indivisible package. The various provisions and parts of the Convention were interconnected. Competing interests had to be reconciled and trade-offs had to be made. Since the Convention is a package, States parties must avoid the temptation of emphasizing parts that they like while ignoring parts that they do not like. That is especially true of the new concepts created, like the exclusive economic zone, archipelagic States, transit passage and archipelagic sea lanes passage. We have a shared interest in maintaining the integrity of the Convention.

A key bargain in the Convention is the balance between the aspirations of coastal States to expand their territorial sea from 3 to 12 nautical miles, with the right of the international community to enjoy free and uninterrupted passage through some of the world's

critical sea lanes. Coastal States were allowed to expand their territorial seas to 12 nautical miles. In exchange, they agreed to accept a special regime of passage for ships and aircraft going through and over the 116 straits used for international navigation. This special regime is known as transit passage, under which a ship or aircraft enjoys unimpeded passage through the strait, and the coastal State may not interfere with this passage even if the sea lane is within its territorial sea. This critical provision ensures the continued use of the oceans to facilitate global trade, 85 to 90 per cent of which is seaborne.

Since the Convention came into force in November 1994, its institutions have functioned well. These institutions include the Commission on the Limits of the Continental Shelf and the International Seabed Authority. We commend the Secretary-General of the International Seabed Authority, Ambassador Satya Nandan, for his leadership and good work.

This year marks the tenth anniversary of the International Tribunal for the Law of the Sea. One of the Tribunal's 13 cases involved Singapore and Malaysia. We therefore speak from first-hand experience when we say that the Tribunal can deal with a wide range of disputes relating to the sea and has shown itself to render justice in a fair, prompt and cost-effective manner. The Tribunal will continue to play an important role in the peaceful settlement of law of the sea-related disputes between States. As a demonstration of our support, Singapore will be hosting a regional workshop of the Tribunal next year.

The Convention has also helped protect and preserve the marine environment under part XII of its provisions. In this respect, the International Maritime Organization (IMO) and its Secretary-General, Mr. Efthimios E. Mitropoulos, have done excellent work.

Singapore believes in the importance of protecting and preserving the marine environment in ways that are consistent with the Convention and through other internationally-accepted treaties. For example, we are one of the few countries that have acceded to all six Annexes to the International Convention for the Prevention of Pollution from Ships on the prevention of pollution of the marine environment by ships from operational or accidental causes. We have also acceded to other marine environment-related agreements like the IMO Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances of 2000. We continue to review our accession to other such agreements.

Singapore believes in taking a comprehensive approach to tackling marine pollution. We support an integrated coastal management system that allows countries to take a holistic view of issues relating to the marine and coastal environment, including land-based pollution, ship-source pollution and marine biodiversity.

Small island nations have a particularly large ratio of coastal area to land mass. Singapore will continue to assist these island nations and other developing countries in capacity-building through the Singapore Cooperation Programme.

Countries in our region have also been working together to enhance maritime security. On 4 September 2006, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia entered into force. On 29 November, we witnessed the subsequent launch of the Agreement's Information Sharing Centre in Singapore. The Agreement started out as a Japanese initiative. It has become the first regional Government-to-Government agreement to promote cooperation against piracy and armed robbery in Asia. It is also the first time that Asian Governments are cooperating on such a wide scale and at such a high level to curb piracy and institutionalize cooperation.

In addition to information sharing through the Centre, the Agreement will also support capacity-building and other cooperation among its members. Maritime security is an important issue for all. Our livelihoods, security, trade and energy supply depend on safe and secure shipping through the world's sea lanes. Singapore is therefore pleased that the topic of the United Nations Open-ended Informal Consultative Process meeting in 2008 will be maritime security and safety.

In tandem, Singapore, Malaysia and Indonesia, the three littoral States of the Straits of Malacca and Singapore, have been cooperating closely in maritime security. Efforts include the Malacca Straits Patrols, which is an overarching framework comprising the Malacca Straits Sea Patrols and Eyes in the Sky combined maritime air patrols. These collective and individual efforts have led to a reduction in piracy in

the Straits, and to the consequent Lloyds Joint War Committee decision to remove the Straits from its list of war-risk zones.

Nonetheless, our enforcement agencies remain vigilant. We will continue to cooperate with one another and with user States to ensure that the Straits remain safe and open to shipping at all times.

At the IMO meeting on the Straits of Malacca and Singapore, held in Kuala Lumpur in September, it was acknowledged that while littoral States retain primary responsibility, the international community should also support such efforts given the importance of the Straits. Hence, the Kuala Lumpur IMO meeting strongly supported the cooperative mechanism on navigational safety and environmental protection. This mechanism was proposed by the littoral States to promote dialogue and facilitate cooperation between the littoral States, user States, the shipping industry and other stakeholders.

We hope that the cooperative mechanism will be fully operational before the next IMO meeting on the Straits, which Singapore will host in 2007. The mechanism is a milestone achievement in the implementation of article 43 of the Convention, which prescribes that user States and States bordering straits should cooperate in the establishment and maintenance of navigational and safety aids, and in the prevention, reduction and control of pollution from ships.

While the general picture is positive, Singapore is concerned about several developments that have the potential to undermine the Convention. First, article 309 states that no reservations or exceptions may be made to the Convention. Article 310 states that while States may make declarations or statements when joining the Convention, such declarations or statements cannot exclude or modify the Convention. The law is clear, but that has not prevented a number of States from making declarations which purport to modify the meaning of the Convention or to exclude the applicability of certain provisions of the Convention to themselves. Such efforts are futile and should be rejected.

Secondly, during the negotiations on the EEZ, a delicate compromise was reached whereby coastal States were permitted to establish a new 200-mile-wide EEZ in which they would have sovereign rights to explore and exploit living and non-living natural resources. Other States, however, would continue to enjoy freedom of navigation and overflight in the EEZ and other uses related to these freedoms, including the conduct of military activities. The EEZ, unlike the territorial sea, is not subject to the sovereignty of the coastal State. Recent attempts by some coastal States to unilaterally alter the status of the EEZ are not consistent with the Convention.

Thirdly, there is a worrying trend by some coastal States to tilt the balance of the Convention in favour of the environment. As I said, Singapore supports efforts to protect the marine and coastal environment, but such measures must not contravene the carefully negotiated package enshrined in UNCLOS. Hence, Singapore proposed, in the course of the consultations on the draft resolution, the addition of an operative paragraph on the rights and responsibilities of States bordering straits used for international navigation. Our text, based on article 42 of the Convention, sought to reaffirm the balance between the rights of coastal States to implement laws and regulations and the right of transit passage in straits used for international navigation.

Our proposal was supported by many delegations during informal consultations but a few delegations had concerns. In the spirit of flexibility, and with the aim of achieving consensus, we worked with interested delegations to find an agreeable text. Unfortunately, we ran out of time, and our proposed paragraph has not been included in the draft resolution. Our text was reasonable, faithful to the Convention and reflective of the views of many delegations. It served to reiterate long-established and long-accepted principles. Why then did a particular delegation have strong objections to its inclusion? The reason is that a large number of countries, including some of the world's major maritime nations, have a disagreement with Australia over its recent decision to impose compulsory pilotage on all non-military ships transiting the Torres Strait.

The Torres Strait, which lies between Australia and Papua New Guinea, is a strait used for international navigation. Ships and aircraft transiting such straits enjoy the special regime of transit passage. A State bordering such straits may adopt a limited set of laws and regulations relating to transit passage through these straits, as specifically provided for by the Convention under article 42 (1). Article 42 (2) also states clearly that such laws and regulations cannot have the practical effect of denying, hampering or impairing the right of transit passage. Australia's action

is therefore inconsistent with articles 42 (1) and 42 (2) of the Convention.

Australia contends that its decision has the support of the International Maritime Organization's Marine Environment Protection Committee (MEPC). However, the record of the MEPC's resolution 53 clearly states that the Committee did not sanction Australia's decision to impose compulsory pilotage. To remove any doubt, MEPC met again in October 2006. At that meeting, the MEPC reaffirmed that its earlier decision was recommendatory. Twenty-three delegations reiterated their stand that the resolution did not provide the legal authority to impose compulsory pilotage in the Torres Strait or any other strait used for international navigation.

Despite the clear decisions of the International Maritime Organization (IMO) at both MEPC meetings, Australia persists in asserting that the IMO/MEPC decisions allow it to implement its compulsory system of pilotage in the Torres Strait. We appeal to Australia, a country with which we share many strategic interests, to reconsider its action.

In conclusion, we are pleased that the United Nations Convention on the Law of the Sea has brought legal clarity and certainty to an important area of international law. We are pleased that the United Nations is making a contribution to ocean law and policy. On the whole, we are pleased that States parties have faithfully abided by their rights and duties under the Convention. We understand and support international concern for the protection of the marine environment. We believe that this can be done without undermining the Convention. It is because of this concern that we have highlighted our disagreement with Australia over the Torres Strait. We hope that Australia will take into account the views of the international community. We would be pleased to work with Australia to find a solution that accommodates concerns about the marine environment and concerns about respecting the integrity of the Convention.

Mr. Chitty (Sri Lanka): Sri Lanka is pleased to be a sponsor of draft resolution A/61/L.30 under agenda item 71 (a), "Oceans and the law of the sea", as it is with similar texts every year.

Over the years, the annual resolution on oceans and the law of the sea has become a complex, technical and, in some ways, an interpretative instrument. Many preambular and operative paragraphs have been carried forward from year to year, thereby reinforcing the essential recognition of the Convention on the Law of the Sea and its related aspects. The draft resolution also covers a whole gamut of issues and records other developments, including the conclusions of international conferences, seminars and workshops in the field.

The Convention is the overarching instrument that provides the legal framework for all maritime activity and regulation of the exploitation of all resources of the seas and oceans and their uses. All States have the responsibility to protect the integrity of the Convention against any action that is inconsistent with it. The protection of the integrity of the Convention, in turn, preserves the essential balances achieved in it and underscores the need for international cooperation and a cooperative approach in its implementation.

When the Convention was first contemplated, and when the negotiations started, it was recognized that the living resources of the high seas or the areas beyond the limits of national jurisdiction would need to be regulated through international, regional or subregional cooperation. This was evident from the earliest statements made by Governments during the general debate of the opening plenary meeting of the Third United Nations Conference on the Law of the Sea.

At the 1995 Fish Stocks Conference, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments were adopted. The Agreement has now been widely ratified. The recent Review Conference has come to the most positive conclusion, that the Law of the Sea Convention provides the legal framework for conservation and management of straddling fish stocks and highly migratory fish stocks, and it is supplemented by the Fish Stocks Agreement. The draft resolution on sustainable fisheries places great reliance and attention on the role of fisheries management organizations. The management capacity of many developing countries and the availability of scientific data to participate effectively within them may need attention in many cases.

The Convention has achieved many delicate compromises, and this is the case with respect to the provision on laws and regulations of States bordering straits relating to transit passage and the rights and responsibilities of States bordering straits used for international navigation, as well as those of foreign ships transiting such straits. These laws and regulations should be respected.

We welcome the entry into force of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, of which Sri Lanka is a party, and the information-charting centre that has now been set up. The framework provided by the 1982 Convention for protection and preservation of the marine environment has been developed in many sectors for increasing the sum total of human welfare. In 1987, the Brundtland report (A/42/427, annex) brought the concept of sustainable development to the forefront. In 1992, the United Nations Conference on Environmental and Development made it a central feature of its Declaration, and subsequent forums have established it as the focus of attention in all questions relating to development in the developing countries.

The achievement of important development goals, in particular those identified in the United Nations Millennium Declaration, adopted by heads of State in 2000, has become a critical demand, and many approaches to this end have been advanced. The 2005 World Summit called for the improvement of cooperation and coordination at all levels in order to address issues related to oceans and seas in an integrated manner and to promote integrated management and sustainable development of the oceans and seas.

The goal of sustainable development of the ocean's resources, if effectively implemented, would also contribute to the social and economic development of the world's poorer nations as they struggle against hunger and poverty.

Sri Lanka has a long history of environmental protection and a tradition of sustainable development. Judge C. G. Weeramantry of Sri Lanka, as Vice-President of the International Court of Justice, has referred to this in a separate opinion the judgment in the Danube case: the case concerning the Gabcíkovo-Nagymaros project — Hungary/Slovakia — involving the damming of the River Danube.

Judge Weeramantry refers to the ancient irrigation-based civilization of Sri Lanka, within a system of gigantic man-made reservoirs or lakes, called tanks, many of which are still in existence and which for over 2,000 years have served the needs of humanity and nature alike. Based on a principle articulated in the twelfth century, the system originated from the environmental philosophy that not even a little rain water was to flow into the ocean without first being made useful to humanity. And none of the rain that falls in such abundance down the mountains should reach the sea without first paying tribute to humanity on its way. Judge Weeramantry concludes in his separate opinion that the principle of sustainable development is thus a part of modern international law by reason not only of its inescapably logical necessity, but also because of its wide and general acceptance by the global community.

Since the philosophy of sustainable development is thus enshrined in Sri Lankan history, it is in that context that Sri Lanka seeks to adhere to the philosophy in the ocean sector as well. However, within the requirements of the contemporary economic development process and the environmental requirements emanating from international forums, a daunting challenge is created for the ocean sector.

Sri Lanka took the initiative this year to introduce into the draft resolution the issue of States realizing the economic benefits of the resource regime under national jurisdiction established by the Convention, as reflected in operative paragraphs 86, 87 and 88. Sri Lanka is thankful to delegations for their support.

The consultative process employed in formulating a draft resolution is intense and arduous. Consultation and cooperation are the only means of resolving differing views and arriving at consensus provisions. Sri Lanka, belonging to the group of developing countries, appreciates the collective support and recognizes the effective and eloquent expression thereof by the Chairman of the group at the consultations, Minister Sivu Maqungo of South Africa. The conduct of the consultations by Minister Plenipotentiary Carlos Duarte of Brazil was a true display of patience and a showed a mastery of the issues involved.

Paragraphs 86, 87 and 88 in the draft resolution offer an opportunity to States facing challenges, in particular developing States, the least developed and

small island States among them, as well as coastal African States, to identify their needs in attaining sustainable development of marine resources and uses under their jurisdiction, and in fulfilling the additional obligations emanating from various international forums. Such exposure to the prevailing situation would highlight the nature and extent of international cooperation and could effectively respond to these States' needs and challenges. International cooperation in this context necessarily has to address the means of sustainable resource development from the scientific, technological, managerial and financial standpoints.

At the same time, these paragraphs offer an opportunity to States that have achieved success and positive outcomes in resource development in any or all of the areas of the marine sector to describe and analyse such experiences, focusing on the requisite mobilization of knowledge, skills and capital.

The expected end result is thus a win-win situation, where the latter group of States can build upon their positive experiences and design their bilateral or multilateral resource development programmes, while the former group of States can learn from such experiences, secure technical expertise, enter into partnerships and joint development arrangements and receive infusions of capital. International organizations, especially United Nations specialized agencies and development and finance organizations, can also design their international assistance programmes in the marine sector, thus ensuring maximum effectiveness.

The study by the Secretary-General, as requested in paragraph 88 of the draft resolution, can then provide an overview of the challenges and approaches to the measures that can address them and can constitute an information base for the sustainable development of marine resources and uses of the oceans.

As regards the work of the institutions established under the Convention, it has not proved possible for many developing countries to attend sessions of the Assembly of the International Seabed Authority. However, the statements presented by the Secretary-General at the meetings of States parties and to the General Assembly are most helpful and provide an insight into the pioneering work it has carried out. Its excellent publications, including the many technical studies and workshop results, are most informative and useful, as are the records of proceedings and official documentation.

The International Tribunal for the Law of the Sea recently celebrated its tenth anniversary, and the ceremonial presentation on that occasion was followed by an extremely well organized seminar on very relevant topics and issues. While we regret that the Tribunal is without cases at present, the activity involved in trying to disseminate information more widely concerning its rules, jurisdiction and procedures for bringing cases, and in more widely distributing its documentation, especially through full text publications on its website and affordable soft cover publications, seems desirable. An assessment of the benefit of such initiatives would seem necessary.

The clarification and simplification of requirements for the representation of parties and of procedures for instituting applications, especially in cases of prompt release of vessels and crews, and for provisional measures, would also be likely to assist prospective parties. Note is also made of the emphasis placed in the draft resolution on promoting recruitment of geographically representative staff in the professional and higher categories for the Registry.

The work of the Commission on the Limits of the Continental Shelf is most important, and my delegation is pleased that measures have been proposed, at the initiative of China, to secure continuity and effectiveness in its important work, as well as in strengthening the Division serving as the secretariat of the Commission. Special note is made of operative paragraphs 46 and 47, concerning the participation of the coastal State in the proceedings of the Commission and the need for the Commission's interaction with submitting States.

The arm of the Secretariat that serves as the secretariat of the Convention — namely, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs — has a critical role to play in support of the institutions it serves and the conferences and meeting it services. The demands on the Division are great; yet, it has responded effectively under the guidance of the Director and the management of the Under-Secretary-General, the United Nations Legal Counsel.

We appreciate the effective servicing of the Meeting of States Parties, the Informal Consultative Process, the Commission on the Limits of the

Continental Shelf, the capacity-building workshops and the fellowship programmes. The arrangement made concerning the Hamilton Shirley Amerasinghe Memorial Fellowship programme, as proposed by the Legal Counsel and reflected in operative paragraph 19 of the draft resolution, is commendable. This will perpetuate the memory of Ambassador Amerasinghe of Sri Lanka, who led the Conference as its President from its inception in 1973 until his death in 1980.

Besides the other documentation produced by the Division, the annual report of the Secretary-General to the General Assembly (A/61/63 and Add.1) is well presented and contains a wealth of information within its limited size. It surely conforms to the requirements of article 319, paragraph 2 (a), of the Convention.

I would also like to make reference to Secretary-General Kofi Annan, whose support for the rule of law has always led him to be very supportive of the rule of law in the oceans and the work of the Secretariat, and in support of the Law of the Sea Convention.

The meeting rose at 1 p.m.